

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|---|--|---|---|---------------------------------|
| Investigator: Rushelle Sharpe | Team: Team # 4 | CCRB Case #: 201100014 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 01/01/2011 1:00 AM | Location of Incident: 650 Stanley Avenue | Precinct: 75 | 18 Mo. SOL 7/1/2012 | EO SOL 7/1/2012 | |
| Date/Time CV Reported Sat, 01/01/2011 4:59 PM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Sat, 01/01/2011 4:59 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. POM Wilson Alba | 09921 | 936109 | PSA 2 |
| 2. SGT Thomas Gagliardi | 00996 | 930188 | PSA 2 |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. POM Joseph Bono | 03368 | 941444 | PSA 2 |
| 2. POM Robert Romano | 20832 | 939363 | PSA 2 |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|--|-----------------------------|
| A.SGT Thomas Gagliardi | Abuse: Sgt. Thomas Gagliardi supervised the search of a vehicle in which § 87(2)(b) was an occupant. | |
| B.POM Wilson Alba | Discourtesy: PO Wilson Alba spoke obscenely to § 87(2)(b) | |
| C.POM Wilson Alba | Force: PO Wilson Alba used physical force against § 87(2)(b) | |

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on January 1, 2011.

On January 1, 2011, at approximately 1:00 a.m., § 87(2)(b) was stopped in his vehicle opposite of 650 Stanley Avenue in Brooklyn, by Sgt. Thomas Gagliardi, PO Wilson Alba, PO Joseph Bono, and PO Robert Romano, all from P.S.A. 2. The following allegations resulted:

Allegation A – Abuse of Authority: Sgt. Thomas Gagliardi supervised the search of a vehicle in which § 87(2)(b) was an occupant. § 87(2)(g)

Allegation B – Discourtesy: PO Wilson Alba spoke obscenely to § 87(2)(b) § 87(2)(g)

Allegation C – Force: PO Alba used physical force against § 87(2)(b) § 87(2)(g)

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old, African-American male, 5'9, 175 lbs, with black hair and brown eyes. § 87(2)(b)

Statements to Medical Personnel

On January 1, 2011, § 87(2)(b) visited the § 87(2)(b) in Brooklyn, where he stated that he had been handcuffed and beat up by NYPD at approximately 1:00 a.m., after receiving a summons for a moving violation. § 87(2)(b) reported the use of excessive force and a bruise on the left wrist from handcuffs.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on January 10, 2011. On January 1, 2011, at approximately 1:00 a.m., § 87(2)(b) was driving down Stanley Avenue in Brooklyn, towards Pennsylvania Avenue in Brooklyn. While on Stanley Avenue, § 87(2)(b) drove around several double parked cars and drove slowly through a red light so as to not obstruct traffic. As he approached the intersection of Stanley Avenue and Van Siclen Avenue, a marked police vehicle, #9503, with its lights on, pulled him over. Four officers in uniform exited the police vehicle and approached § 87(2)(b) on both the driver and passenger sides. Sgt. Thomas Gagliardi and PO Wilson Alba, from PSA 2, approached on the driver's side while PO Joseph Bono and PO Robert Romano, also from PSA 2, approached on the passenger side. PO Alba was identified by his name read from his badge by § 87(2)(b) while Sgt. Gagliardi, PO Bono and PO Romano were identified during the investigation. Sgt. Gagliardi stood by § 87(2)(b)'s front driver's side window, while PO Alba stood behind the sergeant, by the back driver's side window. PO Bono stood on the front passenger side, shining his flashlight into the windshield of the vehicle, with PO Romano behind him. Sgt. Gagliardi asked § 87(2)(b) for his license and registration. § 87(2)(b) § 87(2)(b) complied and provided the documents. Sgt. Gagliardi told § 87(2)(b) that he had gone through a red light; § 87(2)(b) acknowledged that he had. Sgt. Gagliardi asked § 87(2)(b) to

step out of the car; the sergeant opened § 87(2)(b)'s door and § 87(2)(b) stepped out of his vehicle.

Sgt. Gagliardi instructed § 87(2)(b) to sit on his rear bumper; § 87(2)(b) went to the rear of his vehicle with PO Alba. While at the rear of his vehicle, § 87(2)(b) turned to face his vehicle where he saw Sgt. Gagliardi, PO Bono and PO Romano inside his vehicle; Sgt. Gagliardi was inside on the driver's side, PO Bono was inside on the front passenger side, while PO Romano was inside on the back passenger side. When § 87(2)(b) asked PO Alba why the officers were searching his car, PO Alba told § 87(2)(b) to "Shut the fuck up!" § 87(2)(b) asked PO Alba for his name and badge number. PO Alba told § 87(2)(b) "You know what? Forget it, you're going down". PO Alba placed § 87(2)(b) in handcuffs and escorted him to the back of the police vehicle parked behind § 87(2)(b)'s car. As PO Alba escorted § 87(2)(b) to the cruiser, he was shaking him, pushing and pulling him from side to side. PO Alba held § 87(2)(b)'s arm so tightly that his grip left a thumb sized bruise on the inside of § 87(2)(b)'s right arm, above the elbow. PO Alba placed § 87(2)(b) in the back of the cruiser, where he remained for approximately five to ten minutes.

While § 87(2)(b) was in the back of the police car, Sgt. Gagliardi went back and forth between speaking with § 87(2)(b) and searching the car. § 87(2)(b) was released from the handcuffs and issued a summons for reckless driving. He did not see which officer wrote the summons as he was sitting in the back of the police car. Sgt. Gagliardi gave § 87(2)(b) the summons and the officers returned to their vehicle, and left the location. § 87(2)(b) returned to his vehicle and went to the emergency room at § 87(2)(b) immediately after the incident, but left without receiving medical treatment due to the hospital being crowded. He later went to the emergency room at § 87(2)(b), at approximately 8:00 or 9:00 a.m., for treatment for the bruise on his right arm and his swollen wrists. He took pictures of his injuries the very next day with his cell phone (encl. 5A-5O).

NYPD Statement(s):

Subject Officer: SGT. THOMAS GAGLIARDI

- *Sgt. Gagliardi is a § 87(2)(b)-old Caucasian male, 5'7", 170 lbs, with brown hair and brown eyes.*
- *On January 1, 2011, Sgt. Gagliardi worked 1915 x 0412, beginning the previous night. He was assigned to mobile response auto conditions within the 75th Precinct. He was working with PO's Wilson Alba, Joseph Bono, and Robert Romano. He was dressed in uniform and assigned to RMP 5054.*

Memobook

Sgt. Gagliardi had memobook entries relevant to the incident. On January 1, 2011, at 12:55 a.m., Sgt. Gagliardi performed a vehicle stop opposite of 650 Stanley Avenue in Brooklyn. At 1:10 a.m., he noted that PO Alba issued a summons (encl. 6A-6H).

CCRB Statement

Sgt. Thomas Gagliardi was interviewed at the CCRB on June 8, 2011. While driving, Sgt. Gagliardi heard a vehicle beeping its horn behind him. Sgt. Gagliardi did not recall the make, model or color of the vehicle. The driver, subsequently identified by the officers as § 87(2)(b), changed lanes across double yellow lines, into oncoming traffic, passing the officers' vehicle and went through a red light. § 87(2)(b) drove across the intersection and continued on the wrong side of the lane. The officers pulled over § 87(2)(b) due to the traffic infractions that he committed. Sgt. Gagliardi, as the driver of his vehicle, approached § 87(2)(b)'s vehicle on

the driver's side with PO Alba behind him while PO Bono approached on the passenger side, with PO Romano behind him. Sgt. Gagliardi asked § 87(2)(b) for his license and registration; § 87(2)(b) became combative, did not provide his identification and began to protest the stop. Sgt. Gagliardi approximated that he requested § 87(2)(b)'s license and registration five times; § 87(2)(b) did not provide the documents until being asked numerous times. Sgt. Gagliardi took the documents and handed them over to PO Alba.

While Sgt. Gagliardi spoke with § 87(2)(b) PO Bono signaled Sgt. Gagliardi by waving his hands; both Sgt. Gagliardi and PO Bono stepped to the rear of § 87(2)(b)'s vehicle to speak. PO Bono informed Sgt. Gagliardi that while standing on the passenger side of the vehicle, he observed open, plastic cups in the center console that may contain alcohol as well as what he believed was a beer bottle on the floor of the back seats. While speaking with § 87(2)(b) initially, Sgt. Gagliardi had partially seen a cup sitting in the center console of § 87(2)(b)'s vehicle, but due to his angle, he was unable to see both cups in the console; he had not seen the bottle on the back seat floor. He described the cup in the center console as a white cup.

Sgt. Gagliardi stated that in addition to the cups, § 87(2)(b)'s eyes were bloodshot and watery, suggesting the presence of alcohol, Sgt. Gagliardi returned to the driver's side and requested that § 87(2)(b) step out of the vehicle and step to the rear of the vehicle. § 87(2)(b) was resistant to coming out of the vehicle. Sgt. Gagliardi escorted § 87(2)(b) to the rear of the vehicle with PO's Romano and Alba, where he left him with PO Alba and PO Romano. Sgt. Gagliardi returned to § 87(2)(b)'s vehicle and smelt the cups located in the center console for alcohol; the cups were negative for alcohol. Sgt. Gagliardi then went to the back seat of the vehicle and checked the bottle located on the floor; the bottle was revealed to be a dark-colored, root beer bottle. Sgt. Gagliardi searched no area other than the center console and the back seat floor in § 87(2)(b)'s vehicle.

As Sgt. Gagliardi exited the back of the vehicle he observed the driver in handcuffs. § 87(2)(b) was not saying anything or moving his body when Sgt. Gagliardi observed him. Sgt. Gagliardi approached both § 87(2)(b) and PO Alba to ask why § 87(2)(b) had been placed in handcuffs. Before PO Alba could provide an explanation, Sgt. Gagliardi instructed PO Alba to place § 87(2)(b) in their police vehicle and then explain what had happened. PO Alba did as was instructed and then explained to the sergeant that while he and PO Bono were checking the vehicle, § 87(2)(b) became loud and combative, and started to draw a crowd; Sgt. Gagliardi described the crowd as approximately 20-25 people. PO Alba further explained that § 87(2)(b) had been attempting to walk away from him, trying to enter his vehicle and putting his hands in his pockets. PO Alba explained to Sgt. Gagliardi that for his safety, he decided to place § 87(2)(b) in handcuffs. Sgt. Gagliardi did not observe or hear any of the interaction between PO Alba and § 87(2)(b) as he had been searching § 87(2)(b)'s vehicle. Sgt. Gagliardi then went and spoke to § 87(2)(b) in the back of the police vehicle. § 87(2)(b) was apologetic for his behavior and explained that he was on his way home from work. Sgt. Gagliardi then explained to § 87(2)(b) why he had been stopped. Sgt. Gagliardi instructed PO Alba to release § 87(2)(b) with a summons. PO Alba issued § 87(2)(b) a summons for § 87(2)(b) and was released. The entire incident lasted approximately 10-15 minutes, after which, both parties returned to their respective vehicles and left the location; the officers went back on patrol. While stopped, Sgt. Gagliardi did not hear any officer use profanity towards § 87(2)(b). Sgt. Gagliardi did not observe any injuries on § 87(2)(b) while stopped nor did § 87(2)(b) complain of any injuries (encl. 6A-6H).

Subject Officer: PO WILSON ALBA

- *PO Alba is a Hispanic male, 5'8", 190 lbs, with black hair and brown eyes.*

- *On January 1, 2011, PO Alba worked a tour of 1930 x 0605, starting the previous evening on December 31, 2010. He was assigned to conditions with PO Bono, PO Romano and Sgt. Gagliardi; he was in uniform and assigned RMP 9367.*

Memobook

PO Alba had memobook entries relevant to the incident. On January 1, 2011, at 12:55 a.m., PO Alba performed a vehicle stop opposite of 650 Stanley Avenue in Brooklyn. The vehicle stopped was 2001 Chevy Tahoe. At 1:00 a.m., PO Alba issued criminal summons #4§ 87(2)(b) for § 87(2)(b) to § 87(2)(b). PO Alba explained that § 87(2)(b) had been driving westbound on Stanley Avenue when he slowed down and ran a red light at the intersection of Schenk Avenue and Stanley Avenue. At 1:10 a.m., PO Alba noted 10-96 x1, denoting that one summons had been issued (encl. 7A-7H).

CCRB Statement

PO Wilson Alba was interviewed at the CCRB on May 19, 2011. On January 1, 2011, at approximately 1:00 a.m., PO Alba was riding in RMP 9367 with PO Joseph Bono, PO Robert Romano and Sgt. Gagliardi when the officers observed a Chevy Tahoe driving the opposite way on a one way street; the vehicle drove through a red light and continued driving. The officers decided to stop the vehicle. Upon stopping § 87(2)(b) all four officers exited their vehicle and approached § 87(2)(b)'s vehicle. During the beginning of the stop, PO Alba did not speak with § 87(2)(b). While on the driver's side of the Tahoe, PO Alba observed that § 87(2)(b)'s eyes were bloodshot; the bloodshot eyes, in addition to the reckless driving, indicated to PO Alba that § 87(2)(b) may have been drinking. § 87(2)(b) stated that he had been coming home from work. § 87(2)(b) had an attitude about the officers stopping him. After providing his license and registration, § 87(2)(b) was asked to step out of the vehicle. PO Alba did not recall which officer asked § 87(2)(b) to step out of his vehicle. § 87(2)(b) stepped out of his vehicle and PO Alba and another officer escorted him to the back of his vehicle. PO Alba was unsure which officer accompanied him to the back with § 87(2)(b)'s vehicle. Upon § 87(2)(b) exiting the vehicle, the remaining officers noticed empty plastic cups on the front passenger floor and the back floor of the Tahoe. While § 87(2)(b) stood at the rear of his vehicle with PO Alba and a second officer, Sgt. Gagliardi and the remaining officer searched § 87(2)(b)'s vehicle to check if there had been alcohol in the cups on both the front and back floors. Sgt. Gagliardi and the assisting officer only searched the areas where the cups had been seen: the front and back floors of the vehicle.

While at the back of the vehicle, § 87(2)(b) was non-compliant; § 87(2)(b) kept moving around and would not listen to the instructions PO Alba and the additional officer were issuing to him. § 87(2)(b) attempted to move away from the back of his vehicle; to prevent this, PO Alba grabbed § 87(2)(b) by his arm to have him stay at the back. PO Alba did not recall which arm he grabbed. PO Alba did not recall how tightly he held § 87(2)(b)'s arm. § 87(2)(b) had been attempting to enter his pockets; PO Alba instructed him to stop his attempts. § 87(2)(b) continued his attempts to enter his pockets. To prevent § 87(2)(b) from further moving around or walking away, PO Alba handcuffed § 87(2)(b) at the rear of his vehicle; § 87(2)(b) had been attempting to pull his arms away from PO Alba. PO Alba brought both hands to § 87(2)(b)'s back and handcuffed him. PO Alba did not shake § 87(2)(b) or pull him from side to side. PO Alba did not use profanity when speaking with § 87(2)(b) no other officer used profanity with § 87(2)(b) while at the location. PO Alba remained at the back with § 87(2)(b) and the additional officer. § 87(2)(b) was not placed in the officers' RMP. The search of the vehicle did not reveal any alcoholic beverages or containers (encl. 7A-7H).

Witness Officer: PO JOSEPH BONO

- *PO Bono is a Caucasian male, at 5'6", 175 lbs, with brown hair and brown eyes.*
- *On January 1, 2011, PO Bono worked a tour of 1600 x 0405, assigned to 75th precinct response auto, working with PO Wilson Alba, PO Robert Romano and Sgt. Gagliardi. PO Bono was in uniform and in RMP 5054.*

Memobook

PO Bono had memobook entries relevant to incident. At 12:55 a.m., a vehicle stop was performed opposite of 650 Stanley Avenue. At 1:10 a.m., a summons was issued by PO Alba (encl. 8A-8F).

CCRB Statement

PO Joseph Bono was interviewed at the CCRB on May 25, 2011. The officers observed a vehicle pause at a red light, at which the driver looked both ways before driving through the red light. The driver then switched lanes, crossing double yellow lines. After the officers stopped the vehicle, PO Bono stood by the front passenger window with his flashlight pointed in the vehicle. He could not hear the majority of the conversation between Sgt. Gagliardi and § 87(2)(b). § 87(2)(b) became agitated when Sgt. Gagliardi explained why he had been stopped. § 87(2)(b) explained that he was only trying to get home. While Sgt. Gagliardi spoke with § 87(2)(b), PO Bono observed two clear plastic cups on the front passenger floor and more cups on the floor in the back. PO Bono informed Sgt. Gagliardi of what he had seen and the sergeant asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) complied and exited the vehicle on his own, without any assistance from any of the officers. § 87(2)(b) was escorted to the back of his vehicle. PO Bono remained at the passenger side of the vehicle while § 87(2)(b) was at the rear of his vehicle.

While § 87(2)(b) sat at the rear of his vehicle with PO Alba and PO Romano, both Sgt. Gagliardi and PO Bono searched § 87(2)(b)'s vehicle. PO Bono searched the front floors of the vehicle while Sgt. Gagliardi searched the back seats and floors of the vehicle. The officers checked the cups for alcohol and it was determined that no alcohol had been in the cups. While searching the vehicle, PO Bono heard some commotion coming from the back of the vehicle where PO's Alba and Romano were standing with § 87(2)(b). He could not hear their conversation and could not describe their demeanor as he was inside § 87(2)(b)'s vehicle. The officers concluded the search and nothing was recovered. PO Bono did not observe the interaction of PO Alba or PO Romano and § 87(2)(b) while they stood at the rear of the vehicle. While briefly exiting the vehicle during the search, PO Bono observed that § 87(2)(b) had been placed in handcuffs and was being escorted to the RMP. PO Bono did not know which officer placed § 87(2)(b) in handcuffs or who escorted him to the RMP. PO Bono did not recall which officer had the most interaction with § 87(2)(b); he stated that he did not interact with § 87(2)(b) during the entire stop. He stated that he had not been paying attention to what was occurring at the back of the vehicle. PO Bono heard no officer used profanity with § 87(2)(b). PO Bono did not observe any bruises on § 87(2)(b) nor did he hear § 87(2)(b) complaining of any injuries to his arms or wrists. § 87(2)(b) was issued a summons by PO Alba; PO Bono was unsure what the summons had been issued for (encl. 8A-8F).

Witness Officer: PO ROBERT ROMANO

- *PO Romano is a § 87(2)(b) old, Caucasian male, 5'9", 230 lbs, with brown hair and brown eyes.*
- *On January 1, 2011, PO Romano worked a tour of 1930 x 0405 and was assigned to conditions; he was in uniform and partnered with Sgt. Gagliardi, riding in RMP 5054.*

Memobook

PO Romano had memobook entries relevant to the incident. At 12:55 a.m., a vehicle stop was performed opposite of 650 Stanley Avenue. At 1:10 a.m., a summons was issued by PO Alba (encl. 9A-9G).

CCRB Statement

PO Robert Romano was interviewed at the CCRB on June 8, 2010. PO Bono corroborated Sgt. Gagliardi's reasoning for stopping § 87(2)(b). Sgt. Gagliardi spoke with the driver and requested his license and registration. PO Romano could not hear any conversation between the driver, § 87(2)(b), and Sgt. Gagliardi. PO Romano described § 87(2)(b)'s demeanor as angry and yelling though PO Romano did not recall what § 87(2)(b) was saying. After approximately a minute of speaking with § 87(2)(b), Sgt. Gagliardi requested that § 87(2)(b) exit his vehicle. PO Romano corroborated Sgt. Gagliardi's basis for requesting that § 87(2)(b) exit his vehicle; however, PO Romano stated Sgt. Gagliardi informed him that he also smelt alcohol on § 87(2)(b)'s breath, in addition to the cups and bottle observed inside § 87(2)(b)'s vehicle. § 87(2)(b) stepped out of his vehicle without any assistance from either officer; Sgt. Gagliardi escorted § 87(2)(b) to the rear of his vehicle where § 87(2)(b) was left with PO Alba and PO Romano. Sgt. Gagliardi returned § 87(2)(b)'s vehicle and entered the vehicle, with PO Bono, to check the cups and bottle observed on the floors.

While at the rear of his vehicle with PO Alba, § 87(2)(b) continued to be irate and continued to yell at the officers; PO Romano remained at the rear right side of the vehicle while § 87(2)(b) stood with PO Alba. PO Romano corroborated PO Alba's description of § 87(2)(b)'s behavior at the rear of the vehicle. PO Alba continually instructed § 87(2)(b) to stand still, to take his hands out of his pocket, to stay at the back of the vehicle and to be quiet. PO Alba issued these commands to § 87(2)(b) approximately five to six times; § 87(2)(b) did not comply. PO Alba did not use any profanity towards § 87(2)(b) while at the rear of the vehicle; PO Romano did not hear any officer use profanity towards § 87(2)(b) while stopped at the location. During § 87(2)(b) and PO Alba's interaction, Sgt. Gagliardi and PO Bono were in the vehicle checking the cups and the bottle for alcohol; PO Romano could not see where in the vehicle the sergeant and PO Bono were searching. PO Romano observed Sgt. Gagliardi take out the cups from the vehicle and smell the contents; he, however, did not see the bottle that had been observed earlier during the stop, taken out by either Sgt. Gagliardi or PO Bono. Both the cups and bottles were negative for alcohol. PO Romano stood facing away from § 87(2)(b) at the rear of the vehicle; he was not standing close enough to confirm whether § 87(2)(b)'s breath smelt of alcohol. As § 87(2)(b) refused to comply with PO Alba's instructions at the back of the vehicle, PO Alba handcuffed § 87(2)(b) and escorted him the police vehicle. § 87(2)(b) did not complain of any pain or injuries while being escorted to the vehicle; PO Romano did not recall if § 87(2)(b) had been complaining about the handcuffs. § 87(2)(b) was placed inside the vehicle, where he remained for five minutes. PO Romano had no interaction with § 87(2)(b) while he was in the police vehicle; PO Romano did not recall which officer was interacting with § 87(2)(b) while he sat in the vehicle. PO Alba issued § 87(2)(b) a summons, for what PO Romano believed was § 87(2)(b), and was released from the police vehicle and the handcuffs. After being issued the ticket, § 87(2)(b) returned to his vehicle and left the scene while the officers resumed patrol (encl. 9A-9G).

Medical Records

On § 87(2)(b), § 87(2)(b) visited the § 87(2)(b) for medical treatment. The nursing triage notes that § 87(2)(b)'s chief complaint was of

constant left wrist pain; it was also noted that § 87(2)(b) had redness on left wrist area and right antecubital (of or relating to the region of the arm in front of the elbow) area. After being examined, § 87(2)(b) suffered "slight redness/ecchymosis at the posterior left wrist radial aspect and a round ecchymosis at the right AC fossa". § 87(2)(b) was diagnosed with a contusion on his left wrist and a contusion on his right elbow (encl. 10A-10M).

NYPD Document(s)

Summons/Arrest for Incident and Disposition

- § 87(2)(b), § 87(2)(c)

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 22, 2011, with regard to the incident (encl. 14A-14B).

Civilian(s) Criminal History

- § 87(2)(b), § 87(2)(c)

Civilian(s) CCRB History

- This is the second CCRB complaint filed by § 87(2)(b) he previously filed CCRB complaint § 87(2)(b) (encl. 3).

Subject Officer(s) CCRB History

- Sgt. Thomas Gagliardi has been a member of the service for eight years and there no substantiated CCRB allegation against him (encl. 2A-2B).
- PO Wilson Alba has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 2A-2B).

Conclusion

Identification of Subject Officer(s)

- PO Alba was identified by name and shield number by § 87(2)(b)
- Sgt. Gagliardi was identified by NYPD documents during the course of the investigation. He accounted for his role in the incident, indicating that he searched § 87(2)(b)'s vehicle.

Investigative Findings and Recommendations

Allegations Not Pleaded

- § 87(2)(b) stated that he requested PO Alba's name and shield number and was not provided the information; however, § 87(2)(b) stated that he learnt PO Alba's name and shield number after asking, when he read the information from PO Alba's badge while sitting in the back of the police vehicle. § 87(2)(g)
- § 87(2)(b) stated that PO Alba dropped his cell phone on the ground while at the incident location. However, he later clarified that the phone fell in the process of PO Alba taking the phone from § 87(2)(b) while at the rear of the vehicle. § 87(2)(g)

§ 87(2)(g)

Team: 4

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date